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0060

To: Office of Finance **Fax Number:** 571 273 6500
Company: Director of the USPTO **Phone Number:**
From: Edward L. Pencoske **Pages:** 12
Date: August 16, 2005 **Client/Matter No.:** 014506.085292
I.D. No.: 5334

Messages:

Re: Atty Docket No.: DB000972-002

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP
 One Oxford Centre
 201 Grant Street, 14th Floor
 Pittsburgh, Pennsylvania 15219-1425
 412 394 7711
 412 394 2555 Fax

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number 571/273-6500 addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450


Edward L. Pencoske
Attorney for Appellants

Date: 16 August 2005

Appl. No.: 10/706,832
Applicant(s): Philip H. Spano et al
Filed: November 12, 2003
Title: METHOD OF OPERATING A DISPENSING CABINET
Art Unit: 3653
Examiner: Michael E. Butler
Docket No.: DB000972-002
Customer No.: 24122

REQUEST FOR REFUND

To: Commissioner for Patents
Office of Finance – Refund Branch
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs,

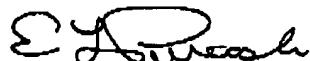
Enclosed please find the following copies as submitted by facsimile on 12 July 2005:

- Transmittal Letter;
- Second Response and Amendment Under Rule 116;
- Petition for a Three Month Extension of Time; and
- Facsimile letter to Michael E. Butler, Examiner.

Also enclosed is a copy of the Deposit Account Statement for July 2005 for Thorp Reed & Armstrong, Deposit Account Number 20-0888.

Applicant hereby requests a refund of the second extension fee in the amount of \$1,020 as it is a duplicate charge.

Respectfully submitted,



Edward L. Pencoske
Reg. No. 29,688
THORP REED & ARMSTRONG, LLP
One Oxford Centre, 14th Floor
301 Grant Street
Pittsburgh, PA 15219-1425
(412) 394-7789

Dated: 16 Aug 2005

Attorney for Applicants



COPY

ATTORNEYS AT LAW SINCE 1895

To: Michael E. Butler, Examiner **Fax Number:** 571 273 0316
Company: USPTO **Phone Number:**
From: Edward L. Pencoske **Pages:** 9
Date: July 12, 2005 **Client/Matter No.:** 014506-085292
I.D. No.: 1089

Messages:

Our Ref. No.: DB000972-002 (014506.085292)
Serial No.: 10/706,832
Title: METHOD OF OPERATING A DISPENSING CABINET

Dear Examiner Butler:

I am faxing a Second Response and Amendment Under Rule 116 along with a Request for a Three Month Extension of Time as a courtesy copy to you. The original was faxed to the central fax no. of 703-872-9306. The papers were faxed twice to the central fax no. yesterday because the certified mailing information on the first fax was incorrect in stating that it was filed by first class mail. The second fax correctly states that it is being filed by facsimile. Please disregard the first fax.

We apologize for any inconvenience to you.

Respectfully,

Edward L. Pencoske

Pittsburgh

Philadelphia

Princeton

Wheeling

Thorp Reed & Armstrong, LLP
 One Oxford Center
 301 Grant Street, 14th Floor
 Pittsburgh, Pennsylvania 15219-1425
 412 394 7711
 412 394 2555 Fax

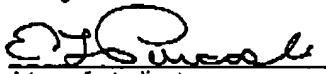
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I hereby certify that this correspondence
is being facsimiled to 703-872-9306:


Edward L. Pencoske
Attorney for Applicant

Date: 11 July 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 10/706,832
 Applicant(s): Philip H. Spano et al
 Filed: November 12, 2003
 Title: METHOD OF OPERATING A DISPENSING CABINET
 Art Unit: 3653
 Examiner: Michael E. Butler
 Docket No.: DB000972-002
 Customer No.: 24122

TRANSMITTAL LETTER

To: Mail Stop Non-Fee Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

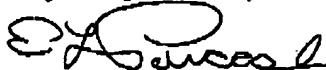
Dear Sir:

In response to the Office action mailed 13 January 2005 for the above-captioned application, enclosed is the following:

- Second Response and Amendment Under Rule 116; and
- Request for a Three Month Extension of Time.

The Commissioner is hereby authorized to charge any underpayment or credit any overpayment to our Deposit Account No. 20-0888. A copy of this transmittal letter is enclosed.

Respectfully submitted,


 Edward L. Pencoske
 Reg. No. 29,688
 THORP, REED & ARMSTRONG
 One Oxford Centre, 14th Fl.
 301 Grant St.
 Pittsburgh, Pennsylvania 15219-1425
 (412) 394-7789
 Attorneys for Applicants

Dated: 11 July 2005

Appl. No.: 10/706,832
Docket No.: DB000972-002
Amdt. Dated: 11 July 2005
Reply to Office action of 13 January 2005

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Appl. No.: 10/706,832
Applicant(s): Philip H. Spano et al
Filed: November 12, 2003
Title: METHOD OF OPERATING A DISPENSING CABINET

Art Unit: 3653
Examiner: Michael E. Butler

Docket No.: DB000972-002

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND RESPONSE AND AMENDMENT UNDER RULE 116

In response to the Office action dated 13 January 2005, please amend the above-identified application as follows:

Amendments to the Specification: None

Amendments to the Claims are reflected in the listing of the claims which begins on page 2 of this paper.

Amendments to the Drawings: None

Remarks begin on page 4 of this paper.

Appl. No.: 10/706,832
Docket No.: DB000972-002
Amdt. Dated: 11 July 2005
Reply to Office action of 13 January 2005

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Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (currently amended) A memory device carrying a set of instructions which, when executed, perform a method comprising:
 - receiving user information;
 - receiving mode information identifying a locate mode;
 - receiving information identifying a list containing at least one item to be located; and
 - indicating on a numeric display positioned on a shelf within a cabinet the number of different variety of items on the list held by that shelf.
2. (previously presented) The memory device of claim 1 additionally comprising receiving patient information.
3. (currently amended) A memory device carrying a set of instructions which, when executed, perform a method comprising:
 - receiving user information;
 - unlocking certain doors of a dispensing cabinet in response to said user information;
 - receiving patient information;
 - receiving mode information identifying a locate mode;
 - receiving a list containing at least one item to be located;
 - flashing a display positioned on a shelf within the cabinet with the number of different variety of items on the list held by that shelf;
 - receiving information selecting a compartment; and
 - zeroing the display in response to the selection of a compartment.
4. (canceled)
5. (canceled)
6. (canceled))
7. (previously presented) The memory device of claim 1 additionally comprising unlocking certain doors of the cabinet in response to said user information.
8. (previously presented) The memory device of claim 7 additionally comprising receiving a log off instruction and locking the unlocked doors in response to the receipt of said log off instruction.

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Docket No.: DB000972-002
Amdt. Dated: 11 July 2005
Reply to Office action of 13 January 2005

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9. (previously presented) The memory device of claim 1 wherein said indicating includes flashing the number of different items on the numeric display.

10. (previously presented) The memory device of claim 3 additionally comprising:
receiving the number of items taken from the selected compartment;
displaying the number of items taken on the display;
receiving a log off instruction; and
locking the unlocked doors.

11. (canceled)

Appl. No.: 10/706,832
Docket No.: DB000972-002
Amtd. Dated: 11 July 2005
Reply to Office action of 13 January 2005

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REMARKS

Entry of this amendment is respectfully requested on the grounds that it places claims 1, 2, 3, 7, 8, 9, and 10 in condition for allowance and cancels nonallowed claims 4, 5, 6, and 11.

In response to the various rejections of independent claims 1 and 3, those claims have been amended to recite a memory device carrying instructions which, when executed, perform a method comprising displaying on a numeric, shelf-level display a number that is the number of different variety of items which are carried by the shelf and which are on the list of items to be located. Support for the amendment may be found, for example, at paragraph [0036]. As stated in paragraph [0036], if one item is located on that shelf, the alpha numeric display 48 flashes the number "one". If two items are located, the display flashes the number "two", etc. Thus, if a healthcare worker is looking for Tylenol and ibuprofen, and both of those items are located on the same shelf, the shelf-level display associated with that shelf will display the number two, indicating that two different items to be located are carried by the shelf associated with the shelf-level display.

Turning first to paragraph 4 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,636,780 to Haitin et al ("Haitin"). The portion of Haitin cited by the Examiner does not stand for the proposition of displaying on a numeric, shelf-level display a number that is the number of different variety of items which are carried by the shelf associated with the shelf-level display and which are on a list of items to be located.

In paragraph 6 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,564,803 to McDonald et al ("McDonald"). The Office has not identified any teaching in McDonald that discloses or suggests displaying the number of different variety of items in combination with the other elements of claims 1 and 3.

In paragraph 7 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,330,062 to Murphree. It is respectfully submitted that the cited portion of Murphree which refers to displaying "a quantity of items to be picked" (col. 2, lines 41-42), refers to providing instructions regarding how many items are to be picked, e.g. indicating the number 4 if four ibuprofen are to be picked. In the invention set forth in claims 1 and 3, the number displayed in this example would be 1, indicating that one variety of item (ibuprofen) is located on the shelf.

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Docket No.: DB000972-002
Amtd. Dated: 11 July 2005
Reply to Office action of 13 January 2005

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Turning now to paragraph 8 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 4,783,740 to Ishaziwa. The Office has not identified any teaching or suggestion in Ishaziwa that discloses or suggests displaying the number of different variety of items in combination with the other elements of those claims.

Turning now to paragraph 10 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,151,536 to Arnold et al. ("Arnold"). In Arnold, there is no shelf-level numeric display nor is there any display that is operative to display a number that is the number of different variety of items to be located which are carried by the shelf associated with the display. For example, as discussed at column 9, beginning at line 26, "adjacent each of item buttons 86 is a visual indicator 88 to assist the caregiver in locating a particular item. Alternatively, item buttons 86 may be configured to illuminate, thereby eliminating the need for visual indicators 88." Arnold contains no teaching or suggestion of the subject matter claimed in claims 1 and 3.

In paragraph 11 of the Office action, independent claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being obvious in view of Haitin and Weinberger. The deficiencies of Haitin have been discussed above. It is not seen how the combination of the teachings of these two references makes up for the deficiencies noted above.

In paragraph 12 of the Office action, independent claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,151,536 to Arnold et al ("Arnold") and Weinberger. The deficiencies of Arnold have been discussed above. It is not seen how the combination of the teachings of these two references makes up for the deficiencies noted above.

In paragraph 13 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,443 to McDonald et al ("McDonald '443") and U.S. Patent Publication 2002/0027507 A1 to Yarin et al ("Yarin"). Neither McDonald '443 nor Yarin discloses or suggests indicating on a numeric display positioned on a shelf within a cabinet the number of different variety of items on the list held by that shelf. Yarin, in paragraph 52, teaches that the number of pills (dosage amount) to be taken can be indicated. That is, of course, different from indicating the number of different variety of pills held by a shelf within a cabinet.

In paragraph 14 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arnold in view of Yarin. The deficiencies of both Arnold and

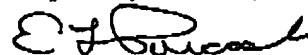
Appl. No.: 10/706,832
Docket No.: DB000972-002
Arndt. Dated: 11 July 2005
Reply to Office action of 13 January 2005

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Yarin had been individually discussed above. It is not seen how the combination of the teachings of these two references makes up for the deficiencies noted above.

In view of the amendments made to the independent claims 1 and 3 and the comments above noting the deficiencies of the various references, it is respectfully submitted that claims 1, 2, 3, 7, 8, 9, and 10 are now in condition for allowance. Accordingly, a notice of allowance for claims 1, 2, 3, 7, 8, 9, and 10 is respectfully requested. If the examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the examiner is respectfully requested to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,



Edward L. Pencoske
Reg. No. 29,688
Thorp Reed & Armstrong LLP
One Oxford Centre, 14th Floor
Pittsburgh, PA 15219-1425
(412) 394-7789
Attorneys for Applicants

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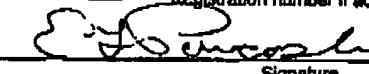
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)
FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).)		DB000972-002
Application Number	10/706,832	Filed 12 November 2003
For METHOD OF OPERATING A DISPENSING CABINET		
Art Unit	3653	Examiner Michael E. Butler
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.		
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):		
	Fee	Small Entity Fee
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1690	\$795
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2180	\$1080
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> A check in the amount of the fee is enclosed.		
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.		
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.		
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>20-0888</u> . I have enclosed a duplicate copy of this sheet.		
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.		
I am the <input type="checkbox"/> applicant/inventor.		
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).		
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>29,688</u>		
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34		



Signature

11 July 2005

Date

Edward L. Pencoske

412-394-7789

Typed or printed name

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to be (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attention:
Address: 301 GRANT ST
City: PITTSBURGH
State: PA
Zip: 15219
Country: UNITED STATES OF AMERICA

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PTO/SB/22 (12-04)

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional)
FY 2005 (Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4810))		DB000972-002
Application Number	10/706,832	Filed 12 November 2003
For METHOD OF OPERATING A DISPENSING CABINET		
Art Unit	3653	Examiner Michael E. Butler

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<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080

Applicant claims small entity status. See 37 CFR 1.27.

A check in the amount of the fee is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director has already been authorized to charge fees in this application to a Deposit Account.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to
Deposit Account Number 20-0888. I have enclosed a duplicate copy of this sheet.

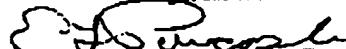
WARNING: Information on this form may become public. Credit card information should not be included on this form.
Provide credit card information and authorization on PTO-2038.

I am the applicant/inventor.

assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

attorney or agent of record. Registration Number 29,638

attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34



Signature

Edward L. Pencoske

Typed or printed name

11 July 2005

Date

412-394-7789

Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

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01 FC:1253 1020.00 CR
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Adjustment Date: 10/04/2005 SDIRETAAI
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